

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WILLIAM GRECIA,

Plaintiff,

vs.

CULLEN/FROST BANKERS, INC.,

Defendant.

Civil Action No.: 6:21-cv-00016

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

William Grecia brings this patent-infringement action against Cullen/Frost Bankers, Inc. (“Frost Bank”).

Parties

1. Plaintiff William Grecia is an individual residing in Downingtown, Pennsylvania.

2. Frost Bank is a Texas corporation, having its principal place of business in San Antonio, Texas.

Jurisdiction and Venue

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*

4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court may exercise personal jurisdiction over Frost Bank. Frost Bank conducts continuous and systematic business in this District; and this patent-infringement case arises directly from Frost Bank’s continuous and systematic activity in this District. In short, this

Court's exercise of jurisdiction over Frost Bank would be consistent with the Texas long-arm statute and traditional notions of fair play and substantial justice.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(1)-(2) and 1400(b).

Infringement of U.S. Patent No. 8,402,555

7. William Grecia is the exclusive owner of United States Patent No. 8,402,555 (the “‘555 patent”), attached hereto as “Exhibit A.”

8. The ‘555 patent is valid and enforceable.

9. Frost Bank infringes claim 16 of the ‘555 patent. Frost Bank uses the Zelle computer product. This product associates Frost Bank customer accounts with a Zelle service account identifier.

10. Attached hereto as “Exhibit B” and incorporated into this complaint as if alleged herein is a claim chart setting forth the language of claim 16 and the accused Zelle computer product that Frost Bank uses.

11. Claim 15 of the ‘555 patent is a computer product: “A computer program product for use with a computer, the computer program product comprising a non-transitory computer usable medium having a computer readable program code stored therein for monitoring access to an encrypted digital media, the method facilitating interoperability between a plurality of data processing devices, the computer program product performing the steps of” (‘555 patent, col. 16:46-52.)

12. Frost Bank offers its customers—individuals and businesses holding accounts with Frost Bank—a way to make and receive payments digitally. This is the Zelle computer

program product that includes code that facilitates monitoring access to the Frost Bank account holder's money.

13. The claim 16 product has the capability of "receiving an encrypted digital media access branding request from at least one communications console of the plurality of data processing devices, the branding request being a read or write request of metadata of the encrypted digital media, the request comprising a membership verification token provided by a first user, corresponding to the encrypted digital media" ('555 patent, col. 16:53-59.)

14. Frost Bank uses of the Zelle computer program product. The Zelle product is capable of receiving an access request in the form of an email or mobile telephone number through the Frost Bank communications console—Frost Bank's mobile application.

15. Claim 16's product has the capacity for "authenticating the membership verification token, the authentication being performed in connection with a token database" ('555 patent, col. 16:60-62.) Frost Bank uses the Zelle computer program product, which is capable of authenticating the membership verification token with a Zelle User ID database. In other words, the Zelle product that Frost Bank uses includes a database that authenticates the Frost Bank account holder's email or mobile phone number.

16. Claim 16: "establishing a connection with the at least one communications console wherein the communications console is a combination of a graphic user interface (GUI) and an Application Programmable Interface (API) protocol wherein the API is related to a verified web service, the verified web service capable of facilitating a two way data exchange to complete a verification process" ('555 patent, cols. 16:63-17:2.)

17. Frost Bank uses of the Zelle computer program product. This product is capable of establishing an API communication related to the ZELLE RESTful API. The Frost Bank

communications console (i.e., the Frost Bank mobile app) is a combination of a GUI and an API related to the Zelle network.

18. Claim 16 is a product with the capacity of “requesting at least one electronic identification reference from the at least one communications console wherein the electronic identification reference comprises a verified web service account identifier of the first user; receiving the at least one electronic identification reference from the at least one communications console” (‘555 patent, col. 17:3-8.)

19. Frost Bank uses the Zelle computer program product, which is capable of requesting and receiving a CXCToken (i.e., an account electronic identification reference) from the Zelle network.

20. Claim 16’s product includes the capacity for “branding metadata of the encrypted digital media by writing the membership verification token and the electronic identification reference into the metadata.”

21. Frost Bank uses the Zelle computer program product, which is capable of writing the Frost Bank account holder’s email or phone number and the Zelle CXCToken to the Zelle Computer Product metadata. By this action, which the Zelle product is capable of performing, Frost Bank enrolls the Frost Bank account holder in the Zelle service.

22. Claim 16, “wherein the membership verification token comprises at least one token selected from a group consisting of a purchase permission, a rental permission, or membership permission coupled to a royalty scheme; wherein the permission is represented by one or more of a letter, number, combination of letters and numbers, phrase, authorization, list, interface button or an instrument of trade for access rights of the encrypted digital media.” (‘555 patent, col. 17:12-22.)

23. Frost Bank uses the Zelle computer program product to associate Frost Bank accounts with a Zelle service account identifier. The account holder's email or phone number is a membership permission coupled to a royalty scheme. Once the account holder's email or phone number is enrolled and capable of sending money via the Zelle computer product, the Zelle product counts each instance of sent money as a "transaction." Enrolling the account holder's email or phone number is coupled to a royalty scheme according to each Zelle "transaction."

Prayer for Relief

WHEREFORE, William Grecia prays for the following relief against Frost Bank:

- (a) Judgment that Frost Bank has directly infringed claim 16 of the '555 patent;
- (b) For a reasonable royalty;
- (c) For pre-judgment interest and post-judgment interest at the maximum rate allowed by law;
- (d) For injunctive relief, including a preliminary injunction; and
- (e) For such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

William Grecia demands a trial by jury on all matters and issues triable by jury.

Respectfully Submitted,

Date: January 8, 2021

/s/ H. Artoush Ohanian

H. Artoush Ohanian
artoush@ohanianip.com
OHANIANIP
604 West 13th Street
Austin, Texas 78701
(512) 298.2005 (telephone & facsimile)

Matthew M. Wawrzyn (application for *pro hac vice* admission forthcoming)

matt@wawrzynlaw.com

WAWRZYN LLC

200 East Randolph Street, Suite 5100

Chicago, IL 60601

(312) 235-3120 (telephone)

(312) 233-0063 (facsimile)

Counsel for William Grecia